

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re)
CITY OF DETROIT, MICHIGAN,) Chapter 9
Debtor.) Case No. 13-53846
) Hon. Steven W. Rhodes
)

**STATEMENT OF OBJECTORS REGARDING PROPOSED
CHANGES TO SCHEDULE IN LIGHT OF CITY'S DELAYS
IN DOCUMENT PRODUCTION**

1. In light of the *City's Statement Regarding Document Production* (Docket No. 5156), filed on May 30, 2014, in which Debtor City of Detroit, Michigan (the “City”) reported to the Court that “based on the best information available, the City believes that it will complete [its] Document Production on or before Friday, June 20, 2014” — more than six weeks after the May 6, 2014 date originally specified for such completion in the *Fourth Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor's Plan of Adjustment* (Docket No. 4202) (“Fourth Amended Order”) — the Objector Members of the Discovery and Trial Efficiency Committee (“DTEC”) conferred regarding how the schedule in the case needs to be adjusted to take this significant development into account. As a result of these efforts, the Objector Members of the DTEC have prepared a proposed adjusted schedule that they respectfully

request the Court to adopt, a copy of which is attached hereto as Exhibit A, and which was provided to the City yesterday evening.

2. For the convenience of the Court, attached hereto as Exhibits B and C are comparisons showing how the schedule being proposed herein differs from those in (i) the current Fourth Amended Order, and (ii) the previously-proposed version of a Fifth Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor's Plan of Adjustment that was attached to the *Statement of Objectors in Anticipation of the May 22, 2014 Status Conference* (Docket No. 4980).

3. One point from the schedule currently in effect that requires very prompt attention is the impending deadline in the Fourth Amended Order that on June 10, 2014 all parties file their lists of expert witnesses. The current schedule, which called for document production to have been completed weeks earlier on May 6, 2014, is untenable and unreasonable in the current environment where the City now projects that its document production will not be complete until June 20, 2014 — 10 days after this June 10, 2014 filing deadline and only 7 days before the current fact deposition cutoff. For example, the parties just days ago received from the City additional installments containing critical documents — such as substantial documents from City consultants and advisors like Ernst & Young, Milliman and Conway MacKenzie, as well as substantial documents regarding the

factual circumstances underlying the City's bankruptcy. Further productions of documents from the City are expected in the days to come, the contents of which will continue to influence the parties' decisions on how to proceed in regard to the confirmation hearing. Since these recently produced documents fall heavily into a number of potential expert areas and relate to fact witnesses who will be deposed, it makes little sense to require expert disclosures and fact depositions before the parties can fully evaluate their positions, and the expert testimony needed, based on the full documentary record. The Objector Members of the DTEC therefore respectfully request that the revised proposed Fifth Amended Scheduling Order be entered and that the June 10, 2014 deadline for filing lists of expert witnesses be held in abeyance pending the Court's decision on changes to the current case schedule.

Dated: June 4, 2014

Respectfully submitted,

By: /s/ Lawrence A. Larose
Lawrence A. Larose
Samuel S. Kohn
Robert A. Swinger
CHADBOURNE & PARKE LLP
30 Rockefeller Plaza
New York, NY 10112
Telephone: (212) 408-5100
Fax: (212) 541-5369
llarose@chadbourne.com
skohn@chadbourne.com
rschwinger@chadbourne.com

/s/ Guy S. Neal

James F. Bendernagel, Jr.
Guy S. Neal
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
Telephone: (202) 736-8041
Fax: (202) 736-8711
jbendernagel@sidley.com
gneal@sidley.com

– and –

Jeffrey E. Bjork
Gabriel MacConaill
SIDLEY AUSTIN LLP
555 West Fifth Street, Suite 4000
Los Angeles, California 90013
Telephone: (213) 896-6000
Fax: (213) 896-6600
[bjork@sidley.com](mailto:jbjork@sidley.com)
gmacconail@sidley.com

*Counsel for National Public Finance
Guarantee Corp.*

By: /s/ Stephen C. Hackney
James H.M. Sprayregen, P.C.
Ryan Blaine Bennett
Stephen C. Hackney
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200

- and -

Stephen M. Gross
David A. Agay
Joshua Gadharf
MCDONALD HOPKINS PLC
39533 Woodward Avenue
Bloomfield Hills, MI 48304
Telephone: (248) 646-5070
Facsimile: (248) 646-5075

*Attorneys for Syncora Guarantee Inc. and
Syncora Capital Assurance Inc.*

/s/ Vincent J. Marriott, III
Vincent J. Marriott, III, Esquire
BALLARD SPAHR LLP
1735 Market Street, 51st Floor
Philadelphia, Pennsylvania 19103
Tel: (215) 864-8236
Fax: (215) 864-9762
E-mail: marriott@ballardspahr.com

Matthew G. Summers, Esquire
BALLARD SPAHR LLP
919 North Market Street, 11th Floor

Wilmington, Delaware 19801
Tel: (302) 252-4428
Fax: (302) 252-4466
E-mail: summersm@ballardspahr.com

-and-

Howard S. Sher, Esquire (P38337)
JACOB & WEINGARTEN, P.C.
Somerset Place
2301 W. Big Beaver Road, Suite 777
Troy, Michigan 48084
Tel: (248) 649-1200
Fax: (248) 649-2920
E-mail: howard@jacobweingarten.com

*Counsel for Hypothekenbank Frankfurt
AG, Hypothekenbank Frankfurt
International S.A., and Erste Europäische
Pfandbrief-und Kommunalkreditbank
Aktiengesellschaft in Luxemburg S.A.*

ARENT FOX LLP

By: /s/ Carol Connor Cohen
Carol Connor Cohen
Caroline Turner English
Randall A. Brater
1717 K Street, NW
Washington, DC 20036-5342
(202) 857-6054
Email: Carol.Cohen@arentfox.com

David L. Dubrow
Mark A. Angelov
1675 Broadway
New York, NY 10019
(212) 484-3900

-and-

SCHAFFER AND WEINER, PLLC
Daniel J. Weiner (P32010)
Brendan G. Best (P66370)
40950 Woodward Ave., Ste. 100
Bloomfield Hills, MI 48304
(248) 540-3340
Email: bbest@schaferandweiner.com

*Attorneys for Ambac Assurance
Corporation*

Carson Fischer, P.L.C.

By: /s/ Joseph M. Fischer
Joseph M. Fischer (P13452)
Robert A. Weisberg (P26698)
Christopher Grosman (P58693)
4111 Andover Road, West- Second Floor
Bloomfield, Michigan 48302-1924
Telephone: (248) 644-4840
Facsimile: (248) 644-1832
JFischer@CarsonFischer.com
RWweisberg@CarsonFischer.com
CGrosman@CarsonFischer.com

Counsel for Oakland County, Michigan

Young &Associates

By: /s/ Sara K. MacWilliams
Sara K. MacWilliams (P67805)
Jaye Quadrozzi (P71646)
27725 Stansbury Blvd., Suite 125
Farmington Hills, MI 48334
Telephone: (248) 353-8620
Email: efiling@youngpc.com
macwilliams@youngpc.com
guadrozzi@youngpc.com

Co-counsel for Oakland County, Michigan

/s/ Alfredo R. Pérez

Alfredo R. Pérez
WEIL, GOTSHAL & MANGES LLP
700 Louisiana Street, Suite 1700
Houston, TX 77002
Telephone: (713) 546-5000
Facsimile: (713) 224-9511
Email: alfredo.perez@weil.com

– and –

Ernest J. Essad Jr.
Mark R. James
WILLIAMS, WILLIAMS, RATTNER &
PLUNKETT, P.C.
280 North Old Woodward Avenue,
Suite 300
Birmingham, MI 48009
Telephone: (248) 642-0333
Facsimile: (248) 642-0856
[Email: EJEssad@wwrplaw.com](mailto:EJEssad@wwrplaw.com)
[Email: mrjames@wwrplaw.com](mailto:mrjames@wwrplaw.com)

*Attorneys for Financial Guaranty
Insurance Company*

/s/ Paul S. Davidson

David E. Lemke (TN13586)
Paul S. Davidson (TN11789)
Heather J. Hubbard (TN23699)
WALLER LANSDEN DORTCH &
DAVIS, LLP
511 Union Street, Suite 2700
Nashville, Tennessee 37219
Phone: (615) 244-6380
Fax: (615) 244-6804

– and –

Robert J. Diehl, Jr. (MI31264)
Jaimee L. Witten (P70068)
BODMAN PLC
1901 St. Antoine Street, 6th Floor
Detroit, Michigan 48226
Phone: (313) 393-7597
Fax: (313) 393-7579

*Attorneys for U.S. Bank National
Association, as Trustee for the Water and
Sewer Bonds*

ERMAN, TEICHER, ZUCKER &
FREEDMAN, P.C.

By: /s/ Barbara A. Patek
Barbara A. Patek (P34666)
Earle I. Erman (P24296)
Counsel for the Detroit
Police Officers Association and
Detroit Fire Fighters Association
400 Galleria Officentre, Suite 444
Southfield, MI 48034
Telephone: (248) 827-4100
Facsimile: (248) 827-4106
E-mail: bpatek@ermanteicher.com

GREGORY, MOORE, JEAKLE &
BROOKS, PC
James M. Moore (P17929)
Counsel for the DPOA
65 Cadillac Square, Suite 3727
Detroit, MI 48226-2893
Telephone: (313) 964-5600
Facsimile: (313) 964-2125
E-mail: jim@unionlaw.net

LEGGHIO & ISRAEL, PC
Christopher P. Legghio (P27378)
Alidz Oshagan (P77231)
Counsel for the DFFA
306 S. Washington, Suite 600
Royal Oak, MI 48067
Telephone: 248 398 5900 x 1131
Facsimile: 248 398 2662
E-mail: CPL@legghioisrael.com